

# UNITED STATES DISTRICT COURT

for  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Venue

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## Request for Modifying the Conditions or Term of Supervision

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Name of Offender: Fernando Rosales Docket No.: CR 05-0696-01 EMC

Name of Sentencing Judge: Edward M. Chen  
United States Magistrate Judge

Date of Original Sentence: July 6, 2006

Original Offense:

Count 1: Disorderly Conduct; Engaging in Obscene Act, 36 C.F.R. § 2.34(a), a Class B misdemeanor

Original Sentence: 1 year probation.

Special Conditions: Special assessment of \$10; \$500 fine or 71 hours of community service; not be in vicinity of Baker Beach.

Type of Supervision: Probation  
Assistant U.S. Attorney: Derek Owens

Date Supervision Commenced: July 6, 2006  
Defense Counsel: Barry Portman (FPD)

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## Petitioning the Court

To modify the conditions of supervision as follows:

The defendant shall participate in a mental health treatment program, to include sex offender treatment, as directed by the probation officer. The defendant is to pay part or all cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments shall never exceed the total cost of mental health counseling. The actual co-payment schedule shall be determined by the probation officer.

## Cause

Defendant was sentenced without the assistance of a presentence report. Based on a review of the incident report, the probation office is requesting the above modification. The defendant was naked and masturbating at Baker Beach, where men, women and children were present. The defendant was masturbating near two women in particular, and moved close enough to one of them to say sexually explicit things in her ear. The woman moved away to a different location on the beach and she later observed the defendant masturbating near her again. Another woman and her companion confronted

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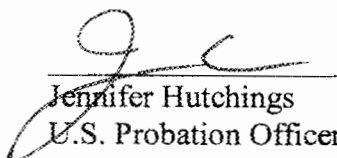
the defendant about his behavior and he ceased momentarily, only to resume when the woman's companion looked away. Both women finally left the beach and called law enforcement. The defendant admitted to law enforcement officers that he was masturbating in front of the two women because he thought they were beautiful.

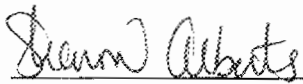
Based on the above, the undersigned is seeking the modification of the offender's conditions to include the participation in a mental health treatment program, to include sex offender treatment, as directed by the probation officer.

Address of offender: 16 Wheat St. #B  
San Francisco, CA. 94124

Respectfully submitted,

Reviewed by:

  
Jennifer Hutchings  
U.S. Probation Officer

  
Sharon Alberts  
Supervisory U.S. Probation Officer

Date Signed: August 8, 2006

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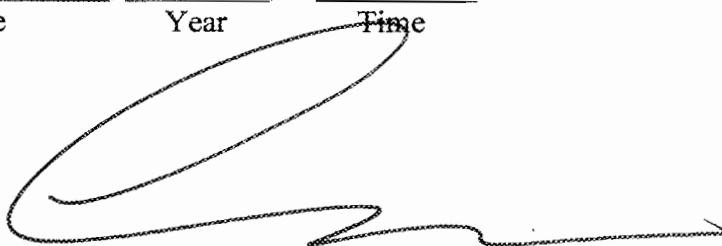
THE COURT ORDERS;

☒ The issuance of a summons for the offender to appear in court before the Honorable Edward M. Chen on Wednesday, August 30, 2006, at 9:30 a.m., in order for the offender and his defense counsel to present arguments against the proposed modification.

☐ Other: Should the Court desire this hearing to be specially set at a different date and/or time, the issuance of a summons for the offender to appear in court before the Honorable Edward M. Chen on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
Day Date Year Time

Date

8/15/06



Edward M. Chen  
United States Magistrate Judge